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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

MABA RANDOLPH,

Defendant and Appellant.

B217437

(Los Angeles County  
Super. Ct. No. BA340267)

APPEAL from an order of the Superior Court of Los Angeles County  
Monica Bachner, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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Maba Randolph appeals from a post-judgment order revoking her probation and executing a previously suspended state prison sentence.

In November 2008 in Los Angeles Superior Court case No. BA340267, Randolph entered a no contest plea to selling marijuana in violation of Health & Safety Code section 11360, subdivision (a), and admitted she had violated probation in case No. BA345699. Pursuant to the terms of the negotiated plea agreement, the trial court sentenced Randolph to three years in state prison, suspended execution of sentence and ordered three years of formal probation. One of the conditions of probation was she “stay away from the 5th Street corridor; the area between 4th and 6th Streets, bounded by Broadway and Central” in downtown Los Angeles.

On March 27, 2009 Los Angeles Police Officer Byron Hernandez saw Randolph sitting on a milk crate on the sidewalk on Fifth Street in downtown Los Angeles. The milk crate was stamped “Heartland Farms.” Randolph had been in possession of similarly stamped milk crates in the past, and Officer Hernandez had repeatedly warned her it was illegal to possess a branded milk container.<sup>1</sup> A search of Randolph’s purse incident to her arrest yielded three small plastic bags containing what appeared to be marijuana.<sup>2</sup>

Following Randolph’s arrest, the trial court summarily revoked her probation and scheduled a contested probation violation hearing. Randolph filed a motion to suppress evidence. The suppression hearing was held in conjunction with the probation violation

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<sup>1</sup> Penal Code section 565 provides: “It is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or both, for an unauthorized person to possess or use, or to obliterate or destroy the brand registration upon, containers (including milk cases), cabinets, or other dairy equipment, which have a value of four hundred dollars (\$400) or less, when the containers, cabinets, or other dairy equipment are marked with a brand that is registered pursuant to Chapter 10 (commencing with Section 34501) of Part 1 of Division 15 of the Food and Agricultural Code. ‘Unauthorized person’ shall have the meaning of that term as defined in Section 34564 of the Food and Agricultural Code.”

<sup>2</sup> Hernandez knew Randolph was on probation, but was unaware of the consent-to-search condition in the probation order.

hearing on May 19, 2009. After the court denied the motion, defense counsel stipulated the recovered plastic bags contained marijuana; and the court found Randolph in violation of probation for failing to obey all laws.

At the June 29, 2009 sentencing hearing, the trial court terminated probation and ordered executed the previously suspended three-year state prison sentence. Randolph received presentence custody credit of 506 days (338 actual days and 168 days of conduct credit). The court ordered Randolph to pay a \$20 security assessment, a \$30 criminal assessment, a \$50 lab fee and a \$200 restitution fine. A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45. The court also revoked and terminated probation in case No. BA345699.

We appointed counsel to represent Randolph on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On October 15, 2009 we advised Randolph she had 30 days within which to personally submit any contentions or issues she wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Randolph's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order is affirmed.

PERLUSS, P. J.

We concur:

WOODS, J.

JACKSON, J.